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DE RUEHBO #0442/01 0351942  
ZNR UUUUU ZZH  
P 041942Z FEB 08  
FM AMEMBASSY BOGOTA  
TO RUEHC/SECSTATE WASHDC PRIORITY 1206  
INFO RUEHC/DEPT OF LABOR WASHDC PRIORITY  
RUEAWJC/DEPT OF JUSTICE WASHDC PRIORITY  
RUEHCV/AMEMBASSY CARACAS 9898  
RUEHZP/AMEMBASSY PANAMA 1183  
RUEHQT/AMEMBASSY QUITO 6533  
RUEHGL/AMCONSUL GUAYAQUIL 4285  
RUEHGV/USMISSION GENEVA 1533

UNCLAS BOGOTA 000442

SIPDIS

FOR LABOR FOR DOL/IL  
SIPDIS

E.O. 12958: N/A

TAGS: [ELAB](#) [EAID](#) [KJUS](#) [ECIN](#) [ECON](#) [ILO](#) [CO](#)

SUBJECT: USG ASSISTS COLOMBIAN LABOR PROTECTION EFFORTS

¶1. Summary: The USG, through USAID and the U.S. Department of Labor (DOL), supports GOC efforts to improve labor rights and enforcement. Programs include assistance for a new risk-based labor inspection system, extending the oral justice system to labor cases, outreach on labor rights, strengthening efforts to protect human rights of labor leaders and activists, and efforts to eradicate child labor. These activities support the GOC's larger programs to improve labor rights and enforcement. End Summary.

¶2. The GOC has launched major initiatives over the last two years to improve labor rights and enforcement, combat violence against unionists and to end impunity. These initiatives include protection, prosecution, and legal reforms, which continue to have a significant positive impact. In 2007, the GOC protected 1,720 at-risk union members, along with journalists, human rights advocates and other groups, at a cost of USD 34 million. In January 2007, the GOC invested USD 1.5 million to launch the Colombian Prosecutor General's Human Rights Unit, with 13 prosecutors and 78 investigators, to prosecute violent crimes against unionists. At the International Labor Organization's (ILO) recommendation and after consultation with Colombian labor and industry, the GOC established an ILO office in Bogota in 2007, and has dedicated USD 4 million for ILO projects in 2008. In response to concerns identified by the ILO, the GOC introduced bills in congress to bring Colombia's laws closer to ILO standards, including: transferring authority for declaring the legality of a strike from the executive to independent labor judges; mediation as a step in resolving labor disputes and providing the option of binding arbitration at the request of one of the parties; requiring workers' cooperatives to pay into the social security system and benefits programs; and increasing fines for cooperatives that do not comply with current laws.

¶3. The USG works with the GOC to implement these programs. USAID assists the Ministry of Social Protection in the design and implementation of a new preventive labor inspection system, in which the private sector and workers take an active role. This comprehensive risk-management model aims to prevent violations and enforce sound labor practices. Pilot programs in five cities emphasize preventive inspections, increasing field visits, simplifying procedures for workers, improving risk management, and developing new conflict-management tools. The GOC incorporated this system into the national development plan (Law 1151/07) and regulated it through Resolution No. 1282. Employers and workers have signed voluntary compliance agreements in sectors such as transportation, construction and security to comply with health and safety regulations and maximum working hours, social security and contractual laws. In 2008, the GOC will expand the program to Bogota and other cities, hiring 150 new labor inspectors. USAID will continue to support this effort with training and technical assistance.

14. USAID also supports GOC efforts to extend the oral accusatory justice system to labor rights cases, which will greatly improve the transparency and timeliness of resolutions of legal disputes related to worker rights. In 2008, USAID will support the GOC's implementation of this reform for labor cases, through three key activities: 1) the development of a long-term financing plan for upgrading court facilities and equipment to transition to the oral justice system; 2) possible training for officials on the requirements of the new system; and 3) developing procedures for implementing the new system. The GOC and USAID plan to launch a pilot program in Bogota this year to train judges, government officials, lawyers and students. Other USAID support to the GOC includes a public outreach strategy to educate employers, workers and policymakers on worker rights and fundamental ILO standards.

15. USAID will support an independent analysis of labor-related violence in Colombia with a view towards strengthening efforts to reduce impunity regarding violations of the human rights of trade unionists, and promoting and protecting the human rights and labor rights of trade unionists. The assessment will identify the magnitude, nature, and evolution of violence against trade unionists; analyze the multiple sources of information and statistics on this issue; and provide recommendations to improve the situation. USAID is working the scope and exploring the implementation mechanisms with ILO, UNHCHR, and the UNDP.

16. USAID will design a new labor activity and implement it under the ongoing Human Rights Program. The program will strengthen GOC and civil society efforts to protect the human rights of labor leaders and activists as guaranteed by the Colombian Constitution. Illustrative activities include: improving the investigation and prosecution of violations of the human rights of trade union leaders and activists; strengthening and expanding legal access for labor leaders and activists; providing preventive and protection measures for at-risk individuals in the labor sector; and increasing public awareness about the rights of labor union members. USAID closely coordinates all labor activities with ILO and is exploring ways to work with them to implement this.

17. USAID supports the American Center for International Labor Solidarity's (ACILS) Southern Cone program to strengthen fundamental rights, comply and enhance international standards regarding worker laws, expand democratic participation and strengthen labor unionist s. With USAID funding, ACILS works with the local ILO office and the National Labor School to develop regulations needed to implement Colombian legislation (Law 411 of 1997 and Law 524 of 1999) that guarantees public sector employees the right to unionize and bargain collectively. In addition, with USAID funding, ACILS will train 100 local labor activists to identify and document violations of fundamental labor rights pertaining to freedom of association and the right to collective bargaining. Once documented, ACILS will assess these labor violations and make recommendations for improving the protection of fundamental labor rights.

18. The GOC also participates in DOL-funded projects to keep children from entering the workforce and get others out of the workplace and into school. The first project, called "Combating Exploitive Child Labor through Education in Colombia", supports GOC policies, such as the National Strategy for the Elimination of Child Labor, and programs for child soldiers, street children, youth involved in commercial sexual exploitation, and those working in other hazardous sectors. The project targets children ages 6-17 for withdrawal or prevention from exploitative child labor from 2007-2010, and provides those children with educational programs.

19. A second project targets children for withdrawal and for prevention from hazardous agriculture and other forms of labor in the municipalities of Funza and Madrid. A USD 5.5 million regional program for Chile, Paraguay, Peru, and Colombia just concluded, which sought to withdraw children from domestic labor and commercial sexual exploitation and prevent children from becoming involved in those activities.